

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

TRACI SINGH,

Plaintiff,

v.

Case No: 6:22-cv-1365-RBD-EJK

ORLANDO HEALTH, INC.,

Defendant.

ORDER

This cause comes before the Court on Defendant's Motion for Fees Incurred in Connection with Defendant's Motion to Compel and Motion for Sanctions and Incorporated Memorandum of Law (the "Motion"), filed April 10, 2023. (Doc. 27.) Plaintiff, proceeding *pro se*, has failed to file a response in opposition, and the time to do so has expired. Thus, the Motion is construed as unopposed. *See* Local Rule 3.01(c). Upon consideration, the Motion is due to be granted.

In the January 19, 2023 Order granting Defendant's Motion for Sanctions (Doc. 17), District Judge Dalton ordered Plaintiff to pay Defendant's reasonable expenses incurred in bringing the Motion, including attorney's fees. (Doc. 26 at 4.) The Court directed Defendant to file a motion identifying its reasonable expenses within fourteen days of the Order. (*Id.*) In the instant Motion, Defendant seeks \$2,820.50 in reasonable attorney's fees in connection with the Motion to Compel and Motion for Sanctions. (Doc. 27 at 7.) In the sole Affidavit submitted, Defendant's counsel, Alicia Chiu, states that the fees represent 10.3 hours billed by both attorney Alicia Chiu at an hourly rate

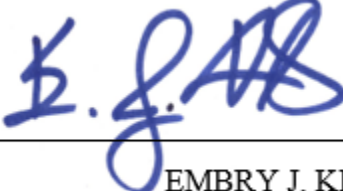
of \$300.00 per hour and co-counsel Kathleen Shea at an hourly rate of \$265.00 per hour. (*Id.* at 9.) Alicia Chiu is a principal at Jackson Lewis P.C. (“Jackson Lewis”) with approximately 15 years of experience. (*Id.* at 8.) Kathleen Shea is an associate at Jackson Lewis with approximately 10 years of experience. (*Id.*) Defendant avers that both the hourly fee and time expended are reasonable. (*Id.* at 3–4.) Plaintiff’s failure to respond to the request creates the assumption that the request is unopposed. Local Rule 3.01(c); *Great Am. Assur. Co. v. Sanchuk, LLC*, No. 8:10-cv-2568-T-33AEP, 2012 WL 195526, at *3 (M.D. Fla. Jan. 23, 2012).

“[T]he [C]ourt . . . itself is an expert on the question [of attorney’s fees] and may consider its own knowledge and experience concerning reasonable and proper fees and may form an independent judgment either with or without the aid of witnesses as to value.” *Norman v. Hous. Auth. of City of Montgomery*, 836 F.2d 1292, 1303 (11th Cir. 1988). Here, the undersigned determines that Attorney Chiu’s hourly rate of \$300 per hour after 15 years of experience, and Attorney Shea’s hourly rate of \$265 per hour after 10 years of experience, are reasonable for attorneys of their experience practicing in the Middle District of Florida. *See Loos v. Club Paris, LLC*, 731 F. Supp. 2d 1324, 1331 (M.D. Fla. Aug. 9, 2010) (holding that a reasonable hourly rate for an employment attorney with 14 years of experience in Orlando is \$350 per hour). Upon review of the billing records submitted, the Court also finds reasonable the number of hours that Defendant’s counsel spent working on the motions. (*See* Doc. 27 at 13–20); *see also Poschmann v. Unified Enterprises, LLC*, No. 5:20-cv-227-JSM-PRL, 2021 WL

3036306, at *2 (M.D. Fla. Apr. 21, 2021) (finding 5.6 hours reasonable for a motion to compel); *see also Johnson v. FedEx Ground Package Sys. Inc.*, No. 5:19-cv-00196-JSM-PRL, 2020 WL 10334683, at *2 (M.D. Fla. June 23, 2020) (finding 6.4 hours reasonable for a motion for sanctions). As such, the Court finds, based on its knowledge and experience, that the hourly rates requested and the number of hours expended are reasonable for each of the attorneys.

Upon consideration of the foregoing, the unopposed Motion for Fees Incurred in Connection with Defendant's Motion to Compel and Motion for Sanctions (Doc. 27) is **GRANTED**. Plaintiff is hereby **ORDERED** to pay Defendant's fees in the amount of **\$2,820.50**.¹

DONE and **ORDERED** in Orlando, Florida on June 16, 2023.



EMBRY J. KIDD
UNITED STATES MAGISTRATE JUDGE

¹ Chiu's spending a total of 2.6 hours at a rate of \$300 per hour combined with Shea's spending a total of 7.7 hours at a rate of \$265 per hour equates to a total of \$2,820.50.